

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ROGER J. TIRADO,	:	
	:	
Petitioner,	:	CIVIL ACTION
	:	
v.	:	NO. 17-0194
	:	
JACK SOMMERS, et al.,	:	
	:	
Respondents.	:	

ORDER

AND NOW, this __9th__ day of May, 2018, upon careful consideration of the Petition for Writ of Habeas Corpus (Doc. 1), Respondents' Response in Opposition thereto (Doc. 8), Petitioner's Motion for Appointment of Counsel (Doc. 9), Petitioner's Response to the Court's May 5, 2017 Order (Doc. 13), the Report and Recommendation of the United States Magistrate Judge Elizabeth T. Hey (Doc. 14), and Petitioner's Objection to the Report and Recommendation (Doc. 17), **IT IS HEREBY ORDERED AND DECREED** that:

1. The Report and Recommendation (Doc. 14) is **APPROVED** and **ADOPTED**;¹
2. The Petition for Writ of Habeas Corpus (Doc. 1) is **DENIED**;

¹ Petitioner filed an objection to Magistrate Judge Hey's Report and Recommendation. Pet.'s Obj., Doc. 17. The objection largely reiterates two arguments Petitioner has made in other filings: (1) that his trial should have been severed, Pet.'s Resp. to Order, Doc. 13, and (2) that he should be appointed counsel, Pet.'s Mot. for Counsel, Doc. 9.

Although Judge Hey found that Petitioner's severance claim was timely because it related back to Petitioner's other claims, she also found that the severance claim is unexhausted because it was not raised on direct appeal or in collateral proceedings. Judge Hey nevertheless determined that there would have been no basis to sever Petitioner's case. Judge Hey also considered Petitioner's request for the appointment of counsel and determined that because Petitioner's claims are not unusually complex and because he has articulately set forth his arguments, appointment of counsel is not necessary.

In short, Petitioner's objections have been adequately addressed in the Report and Recommendation itself.

3. Petitioner's Motion for Appointment of Counsel (Doc. 9) is **DENIED**; and
4. There is no basis for the issuance of a certificate of appealability.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case as **CLOSED** for statistical purposes.

BY THE COURT:

/s/ Petrese B. Tucker

Hon. Petrese B. Tucker, U.S.D.J.